

United States Department of Agriculture
Animal and Plant Health Inspection Service

WS Directive

4.101 10/07/05

TOURS OF DUTY

1. PURPOSE

In accordance with the MRP policy on Tours of Duty, this directive sets requirements for establishing work schedules and assigning tours of duty to WS employees.

2. REPLACEMENT HIGHLIGHTS

This directive revises WS Directive 4.101, dated 01/25/01.

3. POLICY

It is WS policy to set tours of duty in accordance with Federal, Departmental, and Agency regulations in a manner that promotes the efficiency of the program, does not impact customer service, and is fair and equitable to employees. To allow maximum flexibility to perform duties and to satisfy legal requirements, Federal WS employees, except intermittent employees, will use the Maxiflex tour of duty. Intermittent employees must be paid overtime for any time spent working beyond 8 hours per day/40 hours per week. Cooperative employees managed under non-Federal personnel systems are subject to tour of duty requirements as established by those systems.

4. DEFINITIONS

a. Core Hours. The time period during the workday, work week, or pay period that is within the tour of duty during which an employee covered by a flexible work schedule is required by the agency to be present for work.

b. Field Employee. An employee working somewhere other than an office location.

c. Holiday Pay. Part-time and full-time employees who perform non-overtime work on a holiday (or a day designated as the "in lieu of" holiday) are entitled to basic pay plus premium pay equal to basic pay for that holiday work.

d. Maxiflex Tour of Duty. The Maxiflex tour of duty is a flexible schedule that allows the employee to vary the length of the workday or work week as long as the basic requirements of 80 hours per pay period are met.

e. Night Differential. Part-time and full-time employees are entitled to night pay (an additional 10 percent of the normal hourly rate) for regularly scheduled overtime and non-overtime work performed between the hours of 6:00 p.m. - 6:00 a.m.

f. Overtime Hours. The hours worked that are in excess of 8 hour

days or 40 hour weeks that are officially ordered and approved by management.

g. Sunday Differential. A full-time employee who performs regularly scheduled non-overtime work during the hours of 6:00 a.m. - 6:00 p.m. on Sunday is entitled to Sunday differential pay of an additional 25 percent of his or her normal hourly rate. A full-time employee who performs regularly scheduled work before 6:00 a.m. and after 6:00 p.m. on Sunday is also entitled to night differential pay.

h. Time Bands. The Maxiflex tour of duty consists of a core time band and a flexible time band. The core time band is that portion of the workday when all employees must be present on the job unless they are granted prior approval from their supervisor to use leave, compensatory time, or are on an approved core time deviation.

i. Tour of Duty. The hours of a day (daily tour of duty) and the days of an administrative work week (weekly tour of duty) that constitute a regularly scheduled administrative work week.

5. OPERATING GUIDELINES

a. Administrative Work Week.

1. Established hours for WS field personnel will be from 6:00 a.m. to 6:00 p.m., Monday through Saturday. In some locations, where specific work requires it, established hours for WS field personnel may be from 6:00 a.m. to 6:00 p.m., Sunday through Saturday, provided written approval is obtained from the applicable WS Regional or Center Director. In most situations, the required 80 hours will be worked from Monday through Friday.

2. For office personnel (i.e., Headquarters, Regional, Center, as well as information technology, administrative, and clerical personnel in field locations), established hours will be from 6:00 a.m. to 6:00 p.m., Monday through Friday. Work may be performed at any time during this time band in order to meet the requirement of 80 hours per pay period.

b. Core Hours and Time Bands.

1. Core hours are the hours during a day when employees must be present for work unless they are on approved leave or core time deviation.

2. Core hours for WS field employees will be from 9:00 a.m. - 10:00 a.m., Wednesday.

3. Core hours for WS office personnel (i.e., Headquarters, Regional, Center, as well as information technology, administrative, and clerical personnel in field locations) will be 9:00 a.m. to 3:00 p.m., Tuesday through Thursday.

4. Supervisors can designate additional core hours for both field or office personnel to fit program needs, but cannot make the number of core hours less restrictive (e.g., core

hours for office personnel could not be from 10:00 a.m. to 2:00 p.m., but could be from 8:00 a.m. to 4:00 p.m.).

5. Supervisors desiring to further restrict the core time band must communicate the changes to their employees by way of memorandum.

6. Supervisors are allowed to approve, in writing, a Maxiflex time band that includes 8 hours part of, or outside of, the 6:00 a.m. to 6:00 p.m. time band for field employees.

7. If the Maxiflex time band is changed for field employees, then supervisors must change the minimum core time period to coincide with the new Maxiflex time band.

8. Supervisors should be aware of required differential pay for core time periods that exist between 6:00 p.m. to 6:00 a.m. Please see the differential pay information below for more details.

c. Night Differential Pay.

1. Night differential pay is a 10 percent differential paid to employees (full-time, part-time, GS and AD) who are regularly scheduled to work after 6 p.m., before 6 a.m., on regular time, or on regularly scheduled overtime.

2. Night differential is not paid for irregular/occasional overtime work performed between the hours of 6 p.m. and 6 a.m.

3. Under Maxiflex, night differential must be paid if that is the only time the work may be performed. If this is known prior to the administrative work week, then the night differential must be scheduled and paid.

4. If, during an administrative work week, the night work occurs under regular time and not overtime, and it may only be performed at night, then the night differential must also be paid.

5. Night differential is not required when: (i) an employee elects to work outside of the 6:00 a.m. - 6:00 p.m. time band for personal preference and there are 8 or more hours available to work during daytime hours; or (ii) an employee is an intermittent employee who has no prearranged tour.

Rule of Thumb:	
If work can only be performed during night differential hours ...	Then the employee is entitled to night differential pay.
If there are 8 hours during 6 a.m. - 6 p.m. when work can be performed ...	The employee is not entitled to night differential pay.
Examples: If an employee must work from 8 p.m. - 10 p.m. to take deer at an airport due to sensitivity issues with the public, the employee is entitled to night differential pay. If an employee elects to work from 4 a.m. - 12:30 p.m., because he or she does not prefer to work during hours when	

the weather is hotter or more humid, yet the work can be performed during daytime hours, then the employee is not entitled to differential pay.

d. Sunday Differential Pay.

1. In normal circumstances where Sunday is designated as a non-workday, employees performing official duties on a Sunday, which is ordered and approved by the supervisor, must be compensated with either overtime pay or compensatory time. Note: Compensatory time may only be substituted for overtime pay, and may not be granted in lieu of differential pay.

2. In approved situations where Sunday is a scheduled workday, the employee is entitled to a 25 percent pay differential, not to exceed 8 hours.

3. Employees are also entitled to a 10 percent night differential on Sunday outside the hours of 6:00 a.m. to 6:00 p.m. for regularly scheduled work.

4. Sunday differential pay applies only to full-time employees, both GS and AD, and does not apply to part-time or intermittent employees.

Rule of Thumb:	
If Sunday is part of a regularly scheduled tour (e.g., Sunday - Thursday) and the employee is scheduled to work ...	Then the employee is entitled to Sunday differential pay.
If Sunday is not part of a regularly scheduled tour (e.g., Monday - Friday) ...	Then the employee is not entitled to Sunday differential pay, but rather overtime pay or compensatory time.

e. Holiday Pay. Employees may not work on official holidays unless granted prior approval by their supervisor. In this circumstance, employees who perform official duties on holidays must be compensated with holiday pay (HRDG 4610/4550). Holiday pay is paid at twice the hourly rate of pay for up to 8 hours of work.

f. Required Meal Breaks. Employees must take an unpaid meal break sometime around the midpoint of the workday. The length of the meal period may vary from day to day, but cannot be less than 30 minutes. Exceptions to the meal period requirement may only be made when an employee works 5 hours or less on a given day (i.e., the employee either needs 5 hours or less to complete their 80-hour requirement or takes leave to cover the rest of the day).

g. Using Compensatory Time. Employees must take compensatory time before they take annual leave unless taking compensatory time would result in the forfeiture of annual leave. Accumulated compensatory time that has been authorized must be used before the end of the calendar year following the year in which it was earned. Supervisors should ensure that employees use

compensatory time as soon as possible after it is earned.

h. Religious Compensatory Time. An employee whose personal religious beliefs require the abstention from work during certain periods of time may request to earn religious compensatory time for time lost for meeting religious requirements.

i. Comp Time for Travel (CTOT).

1. Effective January 28, 2005, the Office of Personnel Management established a new form of compensatory time. This new compensatory time grants time off for travel time that is not otherwise compensable. In other words, it allows employees to earn comp time for time spent actually traveling for official purposes.

2. Travel status includes: traveling to/from a temporary duty site; traveling between two temporary duty stations; the customary waiting time before travel required for baggage check and security clearance (i.e., usually 1 hour for domestic flights and 2 hours for international flights); and the usual waiting time that interrupts travel (e.g., layovers).

3. Travel time is calculated based on the time zone the traveler leaves, e.g., if flying from Washington, DC (Eastern Standard Time [EST]) to Sacramento, CA, calculate CTOT time based on EST.

4. Additional information and examples of CTOT may be found at: http://www.aphis.usda.gov/mrpbs/hr_desk_guide/4550

5. GS/GM/AD employees are eligible to earn CTOT, regardless of FLSA status. Members of the Senior Executive Service (SES) are not eligible.

6. RESPONSIBILITIES

Supervisors may set limits on the number of hours of overtime pay their employees may accrue to fit individual program needs. A supervisor may grant compensatory time off in lieu of overtime pay at the request of an employee. The request must be made in writing to their supervisor. It is permissible to have the employee sign a statement annually indicating that they are requesting to earn compensatory time in lieu of overtime pay. Supervisors may set compensatory time limits to fit individual program needs.

If an employee requests overtime pay instead of compensatory time, supervisors have the option to either pay the employee overtime pay or restrict the employee from working overtime.

If an employee requests work for religious requirements and this does not interfere with the efficient accomplishment of the WS mission, the supervisor shall in each instance afford the employee the opportunity to earn religious compensatory time and shall in each instance grant religious compensatory time off.

All WS employees are responsible for providing their timekeeper

with a written or electronic record, which has been signed by the employee and initialed by the supervisor, indicating the actual clock hours and the total number of hours worked each pay period. This is a requirement for employees on the Maxiflex tour of duty schedule. This record should include a beginning and ending time each day, along with a documented meal break (in accordance with the timekeeping requirements of the Government Accountability Office). Time and attendance and meal breaks should be reported to the timekeeper using either the MRP Form 345-R, Time and Attendance Log (October 2001), or WS Form 29, Time and Attendance Report (October 1997). It is permissible to verbally report the number of hours worked each pay period to the timekeeper. However, a written or electronic record must be submitted within 2 weeks from the day the time was verbally reported.

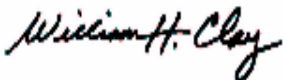
Supervisors will provide a memorandum to employees stating that the Maxiflex tour of duty is the official WS tour of duty and the record-keeping requirements. A copy of this directive will also be provided to employees.

7. INQUIRIES

Inquiries on hours of duty and time and attendance reporting should first be directed to the timekeeper. If needed, further guidance may be obtained by contacting the Wage Specialist, Leave and Compensation Unit, at MRP Business Services in Minneapolis, Minnesota, at 612-336-3310/3315.

8. REFERENCES

MRP Directive 4550.1, Premium Pay (03/2002).
MRP Directive 4610.1, Tours of Duty (07/2004).
MRP Human Resources Desk Guide, Subchapters 4550 (07/2004),
(http://www.aphis.usda.gov/mrpbs/hr_desk_guide/4550).
MRP Human Resources Desk Guide, Subchapters 4610 (07/2004),
(http://www.aphis.usda.gov/mrpbs/hr_desk_guide/4610).
MRP Human Resources Desk Guide, Subchapters 4630 (07/2004),
(http://www.aphis.usda.gov/mrpbs/hr_desk_guide/4630).
USDA Personnel Manual, Chapter 610.
5 CFR Part 610 - Hours of Duty.
5 CFR Part 550 - Pay Administration.
FIRMR Bulletin 30 (10/1985).
Title 5 U.S.C. Section 552a, Privacy Act of 1974.



Deputy Administrator